



24 APR 2007

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In re Application of	:	
TIDMARSH	:	
Application No.: 10/588,409	:	DECISION ON
PCT No.: PCT/US2005/003370	:	
Int. Filing Date: 04 February 2005	:	PETITION UNDER
Priority Date: 06 February 2004	:	
Attorney Docket No.: 021305-004010US	:	37 CFR 1.137(b)
For: ANTI-CANCER THERAPIES	:	

This decision is in response to applicant's petition under 37 CFR 1.137(b) filed 09 April 2007.

BACKGROUND

On 04 February 2005, applicant filed international application PCT/US2005/003370 which designated the U.S. and claimed a priority date of 06 February 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 25 August 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 07 August 2006 (06 August 2006 being a Sunday).

On 03 August 2006, applicant filed a transmittal letter for entry into the national stage in the United States.

On 16 March 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating the application was abandoned as to the United States for failure to provide the basic national fee by thirty months from the priority date.

On 09 April 2007, applicant filed the instant petition under 37 CFR 1.137(b). The petition was accompanied by, *inter alia*, the Basic National Fee, an assertion of small entity status, and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 09 April 2007.

As to item (2), applicant submitted the petition fee on 09 April 2007.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b).



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